37. (Added) A reuseable directionally sealed container comprising a container with two sealing means and two closures which are directionally peelable, wherein each closure is positioned on the container to contact a sealing means and wherein each closure comprises a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, and at least one portion of the lower surface of the first layer and at least one portion of the upper surface of the second layer are covered by at least one bondable material, wherein the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, and wherein each closure has at least one portion which lacks bondable material on the lower surface of the first layer and at least one portion which lacks bondable material on the upper surface of the second layer, the portions having bondable material bonding to the container and the portions lacking bondable material not bonding to the container.

38. (Added) The container of claim 33 wherein the bondable material is at least one pressure sensitive adhesive material.

39. (Added) The container of claim 33 wherein the bondable material is at least one heat seal material.--.

REMARKS

Claims 1 to 17, and 20 to 39, upon entry of the above amendments and new claims, will be pending in the application upon entry of the above amendments and new claims. Claims 1, 8 to 10, 13 to 15 and 20 have been amended for clarification purposes. Specifically, claims 1, 8 to 10, 13 to 15 and 20 have been amended to clarify the structure which provides the one or more bondable and non-bondable areas of the closures recited in claims 1, 8 to 10, 13 to 15 and 20. It is believed that the scope of

claims 1, 8 to 10, 13 to 15 and 20, as presently worded, have not been narrowed. Support for the amendments to the claims can be found in the specification and drawings as originally filed. More specifically, support can be found at page 2, lines 3 to 11; page 17, lines 3 to 19; and Figures 2 to 4d, as well as elsewhere in the specification.

Claims 23 to 39 have been added. Support for newly added claims 23 to 39 can be found in the specification and claims as originally filed. Favorable reconsideration in light of the above amendments and the remarks which follow is respectfully requested.

The Examiner's indication that the subject matter of claims 2, 9 and 14 would be allowable, if rewritten to overcome the 35 U.S.C. § 112 rejections, is acknowledged with appreciation.

I. The 35 U.S.C. § 112 First Paragraph Rejections:

Claims 1 to 17 and 20 to 22 have been rejected under 35 U.S.C. § 112, first paragraph, as not being enable by the specification.

Claims 1, 8 to 10, 13 to 15 and 20 have been amended to read as shown above. In view of the amendments made to claims 1, 8 to 10, 13 to 15 and 20, it is believed that specification is enabling by the language provided in connection with Figures 2 and 3 and in the specification at page 2, lines 3 to 11 and page 17, lines 3 to 16. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

II. The 35 U.S.C. § 112 Second Paragraph Rejections:

Claims 1 to 17 and 20 to 22 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite as specified at page 3 of the Office Action dated July 16, 2002 for failing to clearly define the relationship between the bonded and non-bonded edges and the upper and lower surfaces.

Claims 1, 10, 15 and 20 have been amended to read as shown above. In view of the amendments made to claims 1, 10, 15 and 20, it is believed that the above-mentioned indefiniteness rejections of these claims have been rendered moot. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested. first paragraph, as not being enable by the specification.

III. The Obviousness-Type Double Patenting Rejection:

Claims 1, 3 to 8 and 10 to 13 have been rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1 to 2 of United States Patent No. 4,925,714 (hereinafter Freedman). Applicants respectfully request that the above-mentioned obviousness-type double patenting rejection be withdrawn.

Specifically, Freedman discloses a multi-layer laminate in which two polymeric films are formed in contact with each other to provide a coextrusion. The interface between the two layers is a peelable interface. The coextrusion of Freedman also has two layers of pressure sensitive adhesive on the surface of each of the polymeric layers opposite the surface of the polymeric layers which form the peelable interface. The exposed surface of the adhesive layers can be covered with a release liner.

The presently claimed invention, as is recited in claims 1 and 10, relates to a closure which has first and second layers formed of different polymeric films, wherein the interface between the films form a separation interface and wherein each surface has at least one bondable area and at least one non-bondable area formed on the exposed surface thereof (i.e., the surfaces opposite the separation interface).

The "non-bonded width" that the Examiner asserts is disclosed by Freedman is unrelated to the one or more bondable and non-bondable portions of the film surfaces of the closures recited in claims 1 and 10. This is because Freedman does not teach a closure which has first and second layers formed of different polymeric films, wherein the interface between the films form a separation interface and wherein each layer has

at least one bondable area and at least one non-bondable area formed on the exposed surface thereof (i.e., the surfaces opposite the separation interface). Rather Freedman teaches a label which can be used to form a cover with a renewable surface. Thus, Freedman provides no motivation to modify a label assembly to form a closure with film surfaces having at least one bondable area and at least one non-bondable area for an article.

Accordingly, because the currently claimed invention is not disclosed, taught or suggested by Freedman, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection of claims 1, 3 to 8 and 10 to 13.

IV. The 35 U.S.C. § 102(b) Rejection:

Claims 1 and 8 have been rejected under 35 U.S.C. § 102(b) over Freedman (U.S. Patent No. 4,925,714). As noted above, Freedman relates to a multi-layer laminate in which two polymeric films are formed in contact with each other to provide a coextrusion. The interface between the two layers is a peelable interface. The coextrusion of Freedman also has two layers of pressure sensitive adhesive on the surface of each of the polymeric layers opposite the surface of the polymeric layers which form the peelable interface. The exposed surface of the adhesive layers can be covered with a release liner. The multi-layer laminate of Freedman can be used to form a renewable cover for a tray or other product.

The present claim relates to a closure with a directionally peelable opening. Freedman provides no teaching or suggestion of a label assembly which acts as a closure for an article. Freedman does not teach a closure which contains both non-bondable and bondable areas. As is noted above, Freedman teaches a multi-layer laminate which can be used to form a cover with a renewable surface. Thus, Freedman provides no motivation to modify a label assembly to form a closure for an article.

In particular, Freedman fails to teach or suggest a closure which contains, in part, first and second layers formed of different polymeric films, wherein each layer has at least one bondable area and at least one non-bondable area formed on the exposed surface thereof (i.e., the surfaces opposite the separation interface).

Since Freedman does not teach or suggest every feature of claim 1, Freedman can not anticipate claim 1. As such, withdrawal of this rejection is respectfully requested.

V. The 35 U.S.C. § 103(a) Rejections:

Claims 1, 3 to 8 and 10 to 13 have been rejected under 35 U.S.C. § 103(a) over Freedman. The disclosure of Freedman is discussed in detail above.

The presently claimed invention, as is recited in claims 1 and 10, relates to a closure which has first and second layers formed of different polymeric films, wherein the interface between the films form a separation interface and wherein each layer has at least one bondable area and at least one non-bondable area formed on the exposed surface thereof (i.e., the surfaces opposite the separation interface).

Given the disclosure contained therein, Freedman provides no motivation or suggestion of modifying a label assembly to act as a closure for an article. Freedman does not teach a closure which has first and second layers wherein each layer has at least one bondable area and at least one non-bondable area formed on the exposed surface thereof (i.e., the surfaces opposite the separation interface). Rather Freedman teaches a label which can be used to form a cover with a renewable surface.

Since Freedman does not teach or suggest every feature of claims 1 and 10, Freedman can not render obvious claims 1, 3 to 8 and 10 to 13. As such, withdrawal of the pending obviousness rejections is rejection is respectfully requested.

VI. The Non-Art Rejected Claims and the Newly Added Claims:

Claims 15 to 17 and 20 to 22, which were not rejected in view of any cited art, are patentable for at least the same reasons as stated above with regard to claims 1 and 10.

Furthermore, with regard to newly added claims 23 to 39, these claims are also patentable for at least the same reasons as stated above with regard to claims 1 and 10.

VII. Conclusion:

Thus, withdrawal of the above-mentioned rejections and allowance of claims 1 to 17, and 20 to 39 is respectfully requested.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **AVERP2514USA**.

Respectfully submitted,
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APPENDIX

The following contains a detailed listing of the changes made to the claims. Please note, underlining denotes additions and [~~bracketed strikeout~~] denotes deletions.

In The Claims:

The amendments to claims 1, 8 to 10, 13 to 15 and 20 are as follows:

1. (Three Times Amended) A closure with a directionally peelable opening feature for articles comprising a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, and [~~a bonded edge and a non-bonded edge~~] the lower surface of the first layer and the upper surface of the second layer each have at least one bondable area and at least one non-bondable area, wherein the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, provided that when the closure is used to secure an article, at least one [~~portion~~] non-bondable area of the lower surface of the first layer [~~at the non-bonded edge~~] and at least [~~a portion~~] one non-bondable area of the upper surface of the second layer [~~at the non-bonded edge is~~] are not attached to the article.

8. (Amended) The closure of claim 1 wherein the bondable areas of the lower surface of the first layer and the upper surface of the second layer [~~are bonded to~~] comprise a pressure sensitive adhesive[~~, wherein a portion near the non-bonded edge of each of the first and second layer is free of adhesive~~].

9. (Amended) The closure of claim 1 wherein the bondable areas of the lower surface of the first layer and the upper surface of the second layer [~~are bonded to~~] comprise a heat sealable material[~~, wherein a portion near the non-bonded edge of each of the first and second layer is free of heat sealable material~~].

10. (Three Times Amended) A directionally peelable closure for articles comprising a first and second layer of different polyolefin films, wherein each layer has an upper and lower surface, and [~~a bonded edge and a non-bonded edge~~] the lower surface of the first layer and the upper surface of the second layer each have at least one bondable area and at least one non-bondable area, wherein the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface and wherein the separation interface between the first and second layers has a peel strength in the range of about 30 to about 400 grams per 1-inch width at 90° peel, provided that when the closure is used to secure an article, at least one

non-bondable area [~~portion~~] of the lower surface of the first layer [~~at the non-bonded edge~~] and at least [~~a portion~~] one non-bondable area of the upper surface of the second layer [~~at the non-bonded edge is~~] are not attached to the article.

13. (Amended) The closure of claim 10 wherein the bondable areas of the lower surface of the first layer and the upper surface of the second layer [~~are bonded to~~] comprises a pressure sensitive adhesive[~~, wherein a portion near the non-bonded edge of each of the first and second layer is free of adhesive~~].

14. (Amended) The closure of claim 10 wherein the bondable areas of the lower surface of the first layer and the upper surface of the second layer [~~are bonded to~~] comprise a heat sealable material[~~, wherein a portion near the non-bonded edge of each of the first and second layer is free of heat sealable material~~].

15. (Three Times Amended) A container sealed with a directionally peelable closure, comprising an article which is articulated to provide for sealing with a closure and a closure adhered to the article, wherein the closure comprises a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, and [~~a bonded edge and a non-bonded edge~~] the lower surface of the first layer and the upper surface of the second layer each have at least one bondable area and at least one non-bondable area, wherein the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, and wherein the closure has at least one non-bondable area [~~portion~~] of the lower surface of the first layer [~~at the non-bonded edge~~] and at least [~~a portion~~] one non-bondable area of the upper surface of the second layer [~~at the non-bonded edge~~] which is not [~~adhered~~] bonded to the container[~~, wherein the force of the container contents is applied distant from the bonded edge of the first and second layers~~].

20. (Three Times Amended) A reuseable directionally sealed container comprising a container with two sealing means and two closures which are directionally peelable, wherein each closure is positioned on the container to contact a sealing means and wherein each closure comprises a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, and [~~a bonded and non-bonded edge~~] the lower surface of the first layer and the upper surface of the second layer each have at least one bondable area and at least one non-bondable area, wherein the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, and wherein each closure has at least one non-bondable area [~~portion~~] of the lower surface of the first layer [~~at the non-bonded edge~~] and at least one non-bondable area [~~portion~~] of the upper surface of the

second layer [~~at the non-bonded edge~~] which is not [~~adhered~~] ~~bonded~~ to the container[~~; and wherein the force of the container contents is applied distant from the bonded edge of the first and second layers~~].